

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ERIC J. DUARTE,

Plaintiff,

v.

COMMONWEALTH, et al.,

Defendants.

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Civil No. 23-12678-LTS

ORDER

January 10, 2024

SOROKIN, J.

On November 6, 2023, Eric Duarte, while a pretrial detainee confined at the Norfolk County Correctional Center, commenced this action by filing a civil complaint and an Application to Proceed in District Court without Prepayment of Fees and Costs.

On December 13, 2023, the Court issued a Memorandum and Order denying Duarte's Application to Proceed in District Court without Prepayment of Fees ("Application") without prejudice to renewing with a copy of his 6-month prison account statement. Because the instant action is one of four actions filed by Duarte on November 6, 2023, the Court's Memorandum and Order stated that Duarte should consider the possibility that his ability to proceed without prepayment of the filing fee could be restricted pursuant to 28 U.S.C. § 1915(g). The Memorandum and Order further stated that failure to comply with this order will result in dismissal of this action without prejudice.

The Court's records indicate that Duarte has not responded to the Court's Memorandum and Order and the time to do so has expired. The fact that Duarte has not done so suggests that he may have decided not to press his claim and incur the filing fee payment obligation.

Accordingly, this action is dismissed without prejudice for failure to comply with the Court's Memorandum and Order.

SO ORDERED.

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge